

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13374 of Kathryn F. Smith, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1) and Paragraph 7107.23) and the side yard requirements (Sub-section 3305.1 and Paragraph 7107.22) for an addition to a single family row dwelling which is a non-conforming structure in an R-2 District at the premises 5812 Dix Street, N.E., (Square 5264, Lot 51).

HEARING DATE: January 21, 1981
DECISION DATE: February 4, 1981

FINDINGS OF FACT:

1. The subject property is located in an R-2 District on the south side of Dix Street between 58th and 59th Streets, N.E.
2. The subject property is sixteen feet wide by 105.75 feet deep. The site has an area of 1,692 square feet.
3. The site is improved with a two story plus basement row dwelling. The first floor of the house is one full story out of grade at the rear. There is an existing covered metal porch located at the rear of the first floor. That porch extends six feet to the rear of the building.
4. The house is one of a row of similar houses located on the south side of Dix Street.
5. The applicant proposes to add a two story addition to the rear of the existing building. The addition would extend twelve feet from the rear of the existing building for the full width of the house and the lot. The existing metal porch would be relocated to the back of the addition.
6. The first floor of the addition would be a family room, and the second floor would be a guest room.
7. The existing building contains a floor area of only approximately 780 square feet, and is relatively small.
8. The existing building has a building area of 389.28 square feet. The addition will cover 320 square feet, for a total lot occupancy of 709.28 square feet. The Regulations permit a maximum lot occupancy of forty percent, or 676.8 square feet for this lot. The applicant therefore requires a variance of 32.48 square feet.

9. The existing building has no side yards. The R-2 District requires one eight foot side yard. The applicant proposes to follow the line of the existing building to the rear of the addition. A variance of the full eight feet is required.

10. If the side yard requirement was enforced, the width of the room would be only eight feet.

11. The addition will not block light and air to adjoining properties.

12. The owners of the immediately adjoining properties on both sides submitted statements for the record that they had seen the plans for the proposed addition and had no objections.

13. The owner of 5809 Dix Street appeared at the hearing and testified in support of the application, stating that the addition would help to improve the neighborhood.

14. There was no report from Advisory Neighborhood Commission 7C.

15. There was no opposition to the application.

CONCLUSIONS OF LAW AND OPINION:

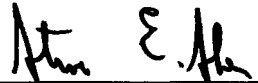
Based on the findings of fact and evidence of record, the Board concludes that the requested variances are area variances, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that the narrow width and small size of the property which do not meet the requirements of the present Regulations, do constitute such a condition. The Board concludes that the existing dwelling is small and that without the granting of the requested variances, a reasonably sized addition could not be constructed. The Board concludes that strict application of the Regulations would therefore cause a practical difficulty for the owner. The Board notes that the owners of the immediately affected adjoining properties supported the application. The Board concludes that the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and maps. It is therefore ORDERED that the application is GRANTED.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Connie Fortune and Douglas J. Patton to grant).

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BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 31 MAR 1981

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS " NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.